

## MEMORANDUM

Agenda Item No. 11(A)(26)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

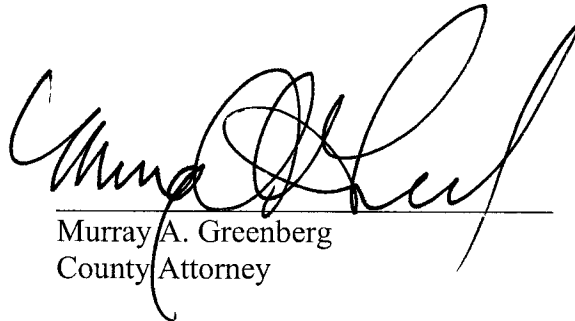
**DATE:** September 12, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Resolution relating to the  
acquisition of land required  
for the construction of S.W.  
172 Avenue South from  
Kendall Drive to S.W. 88  
Street

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The accompanying resolution was prepared and placed on the agenda at the request of  
Chairman Joe A. Martinez.



Murray A. Greenberg  
County Attorney

MAG/jls



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** September 12, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(26)

Please note any items checked.

- \_\_\_\_\_ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- \_\_\_\_\_ 6 weeks required between first reading and public hearing
- \_\_\_\_\_ 4 weeks notification to municipal officials required prior to public hearing
- \_\_\_\_\_ Decreases revenues or increases expenditures without balancing budget
- \_\_\_\_\_ Budget required
- \_\_\_\_\_ Statement of fiscal impact required
- \_\_\_\_\_ Bid waiver requiring County Manager's written recommendation
- \_\_\_\_\_ Ordinance creating a new board requires detailed County Manager's report for public hearing
- \_\_\_\_\_ Housekeeping item (no policy decision required)
- \_\_\_\_\_ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(26)  
9-12-06

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DIRECTING THE ACQUISITION OF LAND REQUIRED FOR THE CONSTRUCTION OF SW 172 AVENUE SOUTH FROM KENDALL DRIVE SOUTH TO SW 88 STREET TO BE A PUBLIC NECESSITY AND AUTHORIZING THE COUNTY MANAGER TO EMPLOY APPRAISERS AND EXPERTS, OBTAIN ENVIRONMENTAL ASSESSMENTS AND TO TAKE ANY AND ALL APPROPRIATE ACTIONS TO ACQUIRE THE SUBJECT PROPERTY IN FEE SIMPLE BY DONATION OR PURCHASE AT VALUES ESTABLISHED BY APPRAISALS OR BY EMINENT DOMAIN PROCEEDINGS, INCLUDING A DECLARATION OF TAKING AS NECESSARY

**WHEREAS**, access to any ongoing development South of Kendall Drive is limited and a new road will ease potential congestion,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board declares the acquisition in fee simple of the parcel of land legally described in Exhibit "A" and its location as shown on Exhibit "B" to be necessary for the construction of S.W. 172 Avenue South from Kendall Drive South to S.W. 88 Street to be a public necessity and in the best interest of Miami-Dade County; authorizes and directs the County Manager and County Attorney to employ appraisers, review appraisers and any required experts, obtain required environmental assessments, and to take any and all appropriate actions to acquire the subject property in fee simple by donation or purchase at the appraised value or by eminent domain proceedings, including a declaration of taking as necessary for and on behalf of Miami-Dade County; and directs the County Manager to identify a source of funds for the acquisition and construction of this right-of-way.

The foregoing resolution was sponsored by Chairman Joe A. Martinez and offered by  
Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by  
Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Jose "Pepe" Diaz
Audrey M. Edmonson	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrian D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 12<sup>th</sup> day of September, 2006. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Thomas Goldstein

**EXHIBIT "A"**  
*(Fee Simple)*

**Legal Description:** *(SW 172<sup>nd</sup> Avenue & SW 88<sup>th</sup> Street)*

A portion of Tracts 43, 54 and 59, Section 31, Township 54 South, Range 39 East, MIAMI EVERGLADE LAND CO. LTD., according to the plat thereof as recorded in Plat Book 2 at Page 3, Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Commence at the Southwest (SW) Corner of the SW 1/4 of Section 31, Township 54 South, Range 39 East, Miami-Dade County, Florida; thence N87°43'42" E along the South line of said Section 31 for 1496.72 feet to the Northeast (NE) Corner of Section 6, Township 55 South, Range 39 East, Miami-Dade County, Florida; thence continue N87°43'42" E along the South line of said Section 31 for 170.10 feet; thence N02°16'18" W perpendicular to the south line of said Section 31 for 10.00 feet to the POINT OF BEGINNING of the hereinafter described parcel of land; thence S87°43'42" W along a line 10.00 feet north of said south line of said Section 31 for 60.00 feet to a point of cusp with a circular curve concave northwesterly; thence northeasterly to the left along the arc of said curve having a radius of 25.00 feet through a central angle of 90°00'00" for an arc distance of 39.27 feet to a point of tangency; thence N02°16'18" W perpendicular to the south line of said Section 31 for 1069.16 feet to a point of curvature with a circular curve concave southeasterly; thence northeasterly to the right along the arc of said curve having a radius of 335.00 feet through a central angle of 41°21'50" for an arc distance of 241.85 feet to a point of tangency; thence N39°05'32" E for 75.80 feet to a point of curvature with a circular curve concave westerly; thence northwesterly to the left along the arc of said curve having a radius of 25.00 feet through a central angle of 91°52'45" for an arc distance of 40.09 feet to a point of compound curvature being a point on the southerly right-of-way line of SW 88<sup>th</sup> Street, also known as North Kendall Drive, according to the State of Florida, State Road

Department Right-of-Way Map of State Road 94, Section No. 87001-2501 Page 4 of 11 dated April 1963; thence reversing direction Southeasterly to the right along the arc of said curve having a radius of 1854.86 feet through a central angle of  $03^{\circ}45'29''$  for an arc distance of 121.66 feet to a point of compound curvature with a circular curve concave southerly; thence reversing direction westerly to the left along the arc of said curve having a radius of 25.00 feet through a central angle of  $91^{\circ}52'45''$  for an arc distance of 40.09 feet to a point of tangency; thence  $S39^{\circ}05'32''W$  for 75.80 feet to a point of curvature with a circular curve concave southeasterly; thence southwesterly to the left along the arc of said curve having a radius of 265.00 feet through a central angle of  $41^{\circ}21'50''$  for an arc distance of 191.31 feet to a point of tangency with a line perpendicular with the south line of said Section 31; thence  $S02^{\circ}16'18''E$  perpendicular to the south line of said Section 31 for 1069.16 feet to a point of curvature with a circular curve concave northeasterly; thence southeasterly to the left along the arc of said curve having a radius of 25.00 feet through a central angle of  $90^{\circ}00'00''$  for an arc distance of 39.27 feet to a point of tangency with a line 10.00 feet north of the south line of said Section 31; thence  $S87^{\circ}43'42''W$  along a line 10.00 feet north of the south line of said Section 31 for 60.00 feet to the POINT OF BEGINNING.

LESS and except the South 10.00 feet of the Southwest (SW)  $1/4$  of the Northeast (NE)  $1/4$  of the Southwest (SW)  $1/4$  of Section 31, Township 54 South, Range 39 East, Miami-Dade County, Florida.

FURTHER LESS and except the North 10.00 feet of the Northwest (NW)  $1/4$  of the Southeast (SE)  $1/4$  of the Southwest (SW)  $1/4$  of Section 31, Township 54 South, Range 39 East, Miami-Dade County, Florida.

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SEC. 31  
TWP. 54  
RNG. 39

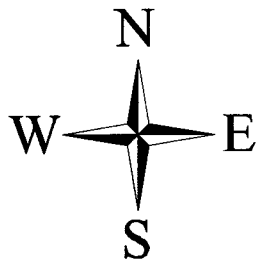
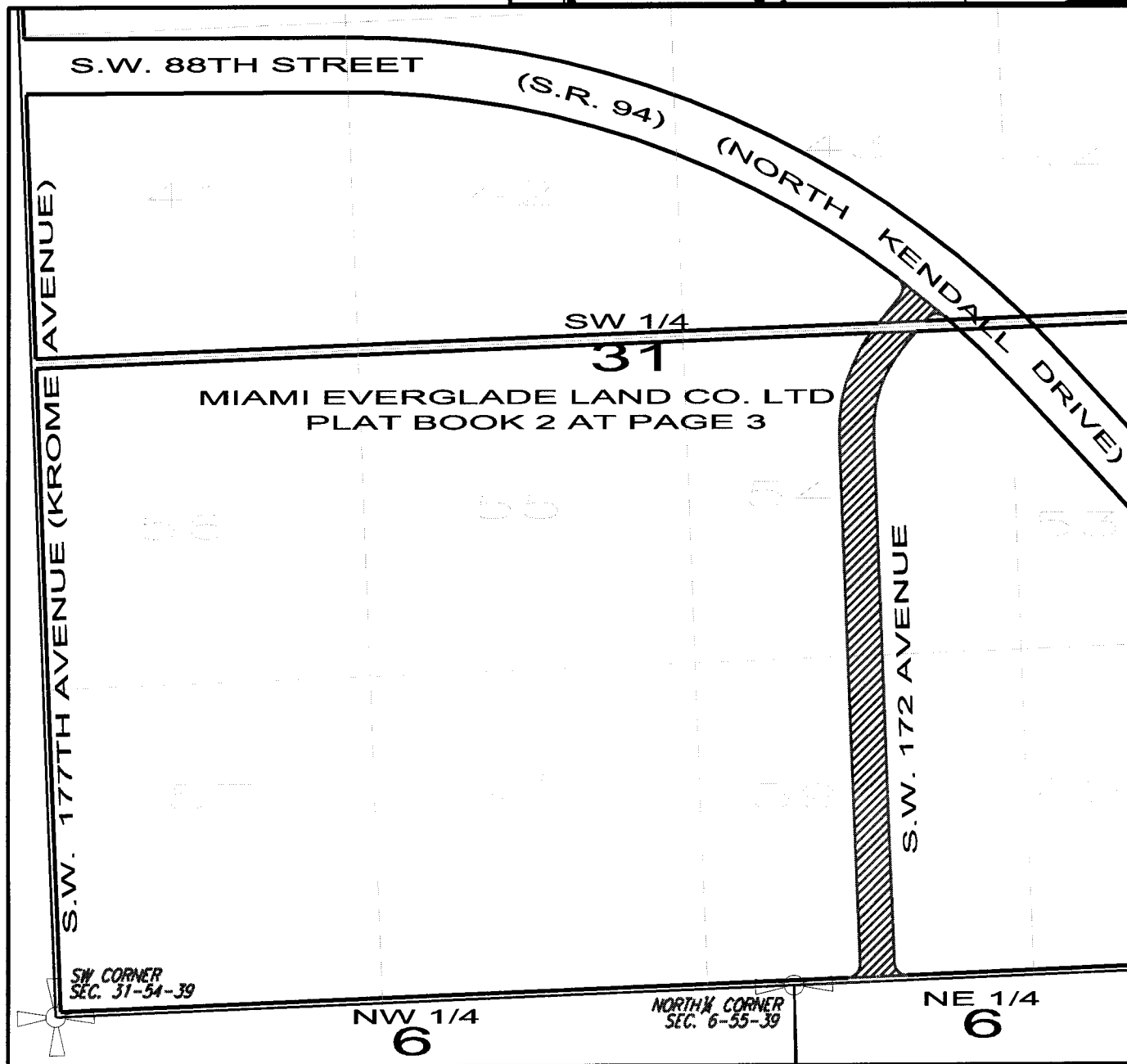
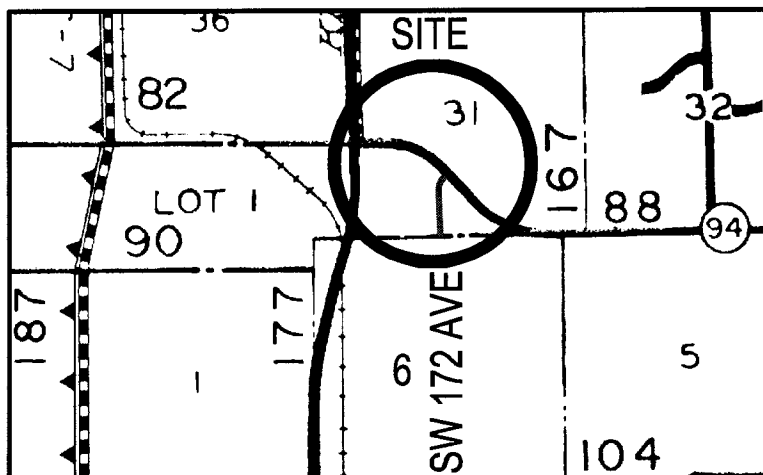


EXHIBIT B

LOCATION MAP  
NOT TO SCALE



SKETCH IS NOT A SURVEY AND IS NOT TO SCALE

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//// = RIGHT OF WAY TO BE ACQUIRED FEE SIMPLE